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## COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS

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### 1. What are the laws that apply to King County government and what do they require?

The Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Washington State Law Against Discrimination (WLAD – RCW 49.60), and the King County Public Accommodations Ordinance (KCC 12.22) prohibit state and local governmental agencies from discriminating against individuals with disabilities. King County must provide reasonable modifications to existing policies, practices and procedures to ensure equal access to programs and services. It is a reasonable modification to allow people with disabilities to be accompanied by their service animals onto county premises where animals are usually prohibited.

### 2. What is a disability?

Disability access laws define disability as any physical or mental condition that substantially limits one or more major life activities, and can include such activities as walking, talking, breathing, caring for oneself, etc. Washington law defines disability broadly, as any condition that is “medically cognizable or diagnosable,” and states that “a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated.”

### 3. What is a service animal?

Some disability access laws define a service animal as an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability. However, King County ordinance defines a service or assistive animal as “a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.”

Under the law, a service animal is not considered a pet. The most common service animals are dogs, but may sometimes include other species (for example, a cat or a bird). Companion or therapeutic assistance animals are considered to be service animals.

#### **4. What does a service animal do?**

Guide dogs are used by some people who are blind. Service animals can perform many other services for people who have disabilities, including alerting deaf individuals to sounds, alerting someone with a seizure disorder to an oncoming seizure, carrying and picking up things for a person who uses a wheelchair, and assisting with balance and opening doors.

Companion or therapeutic animal are used by individuals with mental or psychiatric disabilities, such as depression, post-traumatic stress disorder, anxiety disorder, or autism. Without the companion animal, the individual may be unable to go to work, interact successfully with other people, or engage in other daily activities.

#### **5. How can we tell if an animal is really a service animal and not just a pet?**

There is no legal requirement for service animals to be specially identified or for the animal's owner to carry documentation paperwork. Some, but not all, service animals wear special collars and harnesses. If you are uncertain whether an animal is a service animal, you may ask the person if it is a service animal required because of a disability. As a public entity, King County cannot require any proof of a person's disability, or identification or certification of the service animal's status.

#### **6. Can we restrict the areas into which the service animal can go?**

Generally, no. The service animal must be permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go, unless its presence or behavior creates a fundamental alteration or direct threat to safety (see 11 and 12). An individual with a service animal may not be segregated from other people.

#### **7. What about any "no pets" policies?**

Legally, a service animal is not a pet. Disability access laws require you to modify any "no pets" policy to allow the use of a service animal by an individual with a disability. A no pets policy may be continued, but you must make an exception to a general rule for service animals.

#### **8. Don't health regulations prohibit animals in public buildings, hospitals or food service areas?**

There is no such health regulation. It is a violation of accessibility laws for a government or business to refuse to admit a service animal. There is no evidence that healthy, well-trained service animals are any greater threat to public health and safety than members of the general public.

#### **9. Are we responsible for the service animal while the person with a disability is in our office or clinic?**

No. The care or supervision of a service animal is solely the responsibility of the animal's owner. You are not required to provide care or food for the animal.

**10. Can we charge a maintenance or cleaning fee, or safety deposit for people who bring service animals into our office or clinic?**

No. As for other program modifications provided to people with disabilities, you may not charge an additional fee related to the use of service animals. An agency may charge a person with a disability if a service animal causes damage, so long as it is the regular practice to charge non-disabled persons for the same type of damages.

**11. What if a service animal barks or growls at other people, or otherwise threatens people or other animals?**

You may exclude a service animal from your facility when that animal's behavior poses a "direct threat" to the health or safety of others. However, you may not make assumptions about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although an agency may exclude a service animal that is a direct threat to safety, it should give the animal's owner the option of continuing to access its services or enjoying its programs and activities without having the service animal on the premises.

**12. Can we exclude a service animal that doesn't really seem dangerous but is disruptive?**

There are circumstances when an agency is not required to accommodate a service animal, when doing so would result in a "fundamental alteration" to the nature of the service or activity, such as when the animal disrupts business activity. For example, an animal can be excluded when it makes repeated loud noise or initiates unsolicited contact with people other than its owner, such as jumping on people. Any exclusion must be for reasons that are demonstrable, not speculative.

**13. Must we let in a service animal-in-training?**

King County policy allows both disabled and non-disabled individuals with service animals-in-training equal access to facilities, "subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals." (PERS 22-2-2)

Under state law, if the service animal-in-training can provide assistance to the individual with a disability, even though other training remains in progress, the animal is considered to be a service animal and is covered by state law.

**14. What about leash laws?**

Each situation must be considered on a case-by-case basis. You may enforce local leash laws. However, according to the U.S. Department of Justice, leash law enforcement may need to be modified for a service animal to be off-leash briefly to perform a particular task. Also, where physical disabilities may make it difficult or impossible for an individual to hold a leash, an exception should be made to leash law requirements. This does not change the requirement that the animal be under the direct control of the individual with a disability. If the animal is not under the individual's control and is behaving in a threatening or destructive manner, you may choose to ask the person with a disability to remove the animal until it is under appropriate control.

## **Service Dog Etiquette -- You're not dealing with just a dog.**

### **Please speak first to the person.**

It's correct human and canine manners!

**Petting the service dog** – do not touch either the service dog or its person without first asking permission. Touching the service dog might distract it from its work. Touching the person might be interpreted as assault.

**Feeding the service dog** – resist the temptation to offer treats to the service dog.

**Barking, meowing, whistling, and making other rude noises at the service dog** – Don't. You'll look silly.

**Conversing with the person about the service dog, disabilities, other dogs you have known** – Questions of a personal nature should be avoided. If the person volunteers information, you may decide if you wish to continue the conversation. Don't feel offended if the person declines to talk about him/her self or the service dog--not everyone wants to be a walking "show and tell" exhibit.

## **What If . . . ?**

### **. . . you don't like or are afraid of dogs?**

Place yourself away from the service dog. If you are a business person, discreetly arrange for someone else to wait on the person. You may ask the person to have the service dog lie down if it does not interfere with its work.

### **. . . the service dog barks, growls, or otherwise forgets its manners?**

Find out what happened before taking action. Was the service dog stepped on, poked, asleep and dreaming, performing its job (some alert their owners to oncoming seizures by barking once or twice)? If the service dog's behavior is disruptive, you may ask the person to remove it from the premises.

### **. . . other people complain about the dog being present?**

Explain that the service dog is medically necessary and that federal law protects the right of the person to be accompanied by the service dog in public places.

#### **Information for this document was obtained from:**

U.S. Dept. of Justice Civil Rights Division, Office of the ADA, Commonly Asked Questions About Service Animals

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